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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/813,708 03/07/97 VAN STEENBURG

K XX-VS14J

EXAMINER

35M1/1114

IANDIORIO & TESKA
260 BEAR HILL ROAD
WALTHAM MA 02154

PRETTI, M	PAPER NUMBER
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3508

DATE MAILED: 11/14/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 3.7.1997

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 4, 7, 12 is/are rejected.

☐ Claim(s) 2, 3, 5, 6, 8-11, 13 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

Claims 1 to 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for the following terms in the claims: in claim 1 “the abduction and lithotomy dimensions” bridging lines 1 and 2, “the proximate end” in line 4, and “said clamp” in line 8; and in claim 12 for “the axis of said support means”. Also in claim 1 it is unclear exactly what structure supports the function “selectively clamping and releasing motion of said support device” in lines 5 and 6. In addition claim 1 appears to be incomplete since it ends with “; and”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Klevstad. Klevstad shows an adjustable leg support or an obstetrical support which comprises a support device 39 which supports a foot cradle 19, a clamping device formed by clamp surfaces 40, 41, a clamp actuator formed by threaded pressure member 43, and an operator for the clamp actuator formed by handle 44. The clamp surfaces 40, 41 are supported upon a mounting means defined by shaft 36 and together define a bore for receiving the support device 39. By rotating the handle 44 and releasing the clamp members from one another the support device 39 can be both rotated relative to the shaft 36, and extended relative to the shaft 36. Note that these axes are transverse to one another. A bracket 47 at the distal end of the support device 39 is used to support the foot cradle 19.

Allowable Subject Matter

Claims 2, 3, 5, 6, 8 to 11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keselman and Keselman et al show adjustable leg support devices of particular interest. Akcelrod shows an adjustable limb supporting device of general interest..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (703) 308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 9.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Meyers, can be reached on (703) 308-3868. The fax phone number for this Group is (703) 305-3597.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [steven.meyers@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official

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Gazette of the Patent and Trademark on February 25, 1997 at 1195
OG 89.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group receptionist whose telephone number is (703) 308-
2168.



Michael Trettel
Primary Examiner
November 7, 1997